

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

| | | |
|---------------------------|---|--------------------------------|
| United States of America, |) | |
| |) | |
| Plaintiff, |) | INTERSTATE AGREEMENT ON |
| |) | DETAINERS ORDER |
| vs. |) | |
| |) | |
| Gary Thomas Brennan, |) | Case No. 1:14-cr-090-3 |
| |) | |
| Defendant. |) | |

On September 29, 2014, defendant made his initial appearance in the above-entitled action and was arraigned. AUSA David Hagler appeared on the Government's behalf. Attorney Thomas Glass was appointed as defense counsel and appeared on defendant's behalf.

Prior to his initial appearance, defendant was incarcerated by the State of North Dakota at the James River Correctional Center (“JRCC”) in Jamestown, North Dakota. After the superseding indictment in this case was returned and an arrest warrant issued, a detainer was filed by the United States with the North Dakota prison officials. Pursuant to the Interstate Agreement on Detainers Act (“IADA”), defendant’s appearance before this court for his initial appearance and arraignment was secured by a writ of habeas corpus *ad prosequendum*.

At the close of the hearing, the parties filed an “Interstate Agreement on Detainers Anti-Shuttling Waiver Stipulation.” Therein defendant voluntarily, and upon advice of counsel waived the anti-shuttling provisions of the IADA and agreed to his continued housing by the State of North Dakota (the “sending state” under the IADA) at the JRCC pending further proceedings in this case initiated by the United States (the “receiving state” under the IADA).

Accordingly, the court **ADOPTS** the parties' stipulation (Docket No. 121) and **ORDERS** that defendant be housed in the "sending state" under the IADA at the JRCC pending further proceedings or until further order of the court. Further, pursuant to defendant's waiver, the return of the defendant to his place of incarceration pending trial shall not be grounds under the IADA for dismissal of the charges set forth in the indictment.

Dated this 29th day of September, 2014.

/s/ Charles S. Miller, Jr.

Charles S. Miller, Jr., Magistrate Judge
United States District Court